



COUNCIL AGENDA STATEMENT

Date: January 11, 2022
To: Honorable Mayor and City Council
From: Carlos A. Solis, P.E., Director of Public Works and Engineering
Through: George Garrett, City Manager

Agenda Item: **Resolution 2022-13** Approving Change Order No. 5 To Contract Between The City And Discount Rock & Sand, Inc. In The Current Amount Of \$123,237.50 For Construction Of Sombrero Area Stormwater Improvements; Increasing The Contract In An Amount Not To Exceed \$7,500.00 to Repair Existing Pavement Damage; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

BACKGROUND & JUSTIFICATION:

On December 21, 2020, the City entered into an agreement with Discount Rock & Sand, Inc for the construction of Stormwater Improvements in the Sombrero Area. An on-site inspection prior to the final pavement restoration revealed some areas of existing pavement damaged which should be addressed while the pavement restoration for the work is being performed. This change order addresses the cost of the additional pavement repair requested by the City, that was not a result of the work performed.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan:	_____	_____
2. Other: _____	_____	_____
3. Not applicable: X		

FISCAL NOTE:

The Adopted FY22 Street Maintenance Budget includes appropriations of \$54,000 for the maintenance of structures and grounds.

RECOMMENDATION:

Approval of Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2022-13**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING CHANGE ORDER NO. 5 TO CONTRACT BETWEEN THE CITY AND DISCOUNT ROCK & SAND, INC. IN THE CURRENT AMOUNT OF \$123,237.50 FOR CONSTRUCTION OF SOMBRERO AREA STORMWATER IMPROVEMENTS; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$7,500 TO REPAIR EXISTING PAVEMENT DAMAGE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the “City”) approved the agreement with Discount Rock and Sand (the “Contractor”) in December of 2020 for the Sombrero Stormwater System improvements and Repair project; and

WHEREAS, an on-site inspection prior to the final pavement restoration revealed some areas of existing pavement damaged which should be addressed while the pavement restoration for the work is being performed. This change order addresses the cost of the additional pavement repair requested by the City, that was not a result of the work performed; and

WHEREAS, the City finds that approving this change order with the Contractor is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Change order between the City and the Contractor in an amount not to exceed \$7,500.00, a copy of which is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the City Manager and approved as to form by the City Attorney, is hereby approved. The City Manager is authorized to execute the Change Order No. 5 and expend budgeted funds on behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MARATHON, FLORIDA, THIS 11th DAY OF JANUARY, 2022**

THE CITY OF MARATHON, FLORIDA

John Bartus, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

Steve Williams, City Attorney

CHANGE ORDER

CHANGE ORDER NO. 5

TO: City of Marathon

PROJECT: Marathon Stormwater Wells

CONTRACTOR: Discount Rock and Sand

DATE: January 3, 2022

This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages, and/or time adjustments of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under the Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$123,730.50 under the Agreement will be **changed** by this Change Order, and (b) the schedule for performance of Work will be **changed** by this Change Order. Contractor expressly waives any claims for any additional compensation, damages, or time extensions in connection with the above-referenced changes. Except as herein or heretofore expressly modified, all terms of the Agreement shall remain in full force and effect and shall cover the performance of, and payment for, any work authorized hereunder. Any defined terms not defined in this Change Order shall have the meanings set forth in the Agreement.

By signing below the parties indicate acceptance of this Change Order as set forth herein.

City of Marathon

Contractor

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Exhibit "1"

CHANGE ORDER SUMMARY

This Change Order is necessary to cover changes in the Work to be performed under this Agreement. Except as may be modified herein all of the provisions of the Agreement apply to and govern all Work under this Change Order.

THE FOLLOWING CHANGES ARE MADE TO THE AGREEMENT DOCUMENTS:

- | | | |
|------|---|--------------------------------------|
| (1) | Original Contract Price | <u>\$ 82,450.00</u> |
| (2) | Current Contract Price (Adjusted by Previous Change Orders) | <u>\$ 123,730.50</u> |
| (3) | Total Proposed Change in Contract Price | <u>\$ 7,500.00</u> |
| (4) | New Contract Price (Item 2 + Item 3) | <u>\$131,230.50</u> |
| (5) | Original Contract Time (Days) | <u>75 Days</u> |
| (6) | Current Contract Time (Adjusted by Previous Change Orders) | <u>245 Days</u> |
| (7) | Total Proposed Change in Contract Time | <u>92 Days</u> |
| (8) | New Contract Time (Item 6 + Item 7) | <u>337 Days</u> |
| (9) | Original Contract Final Completion Date | <u>April 3rd, 2021</u> |
| (10) | New Contract Final Completion Date | <u>January 15th, 2022</u> |

CHANGE ORDER HISTORY						
Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1.	CO #1	\$82,450.00	\$30,937.50	\$0.00	\$30,937.50	45
2.	CO #2	\$113,387.50	\$9,850.00	\$0.00	\$9,850.00	64
3.	CO #3	\$123,237.50	\$940.00	\$0.00	\$940.00	16
4.	CO #4	\$124,177.50	\$3,953.00	\$4,400.00	-\$447.00	45
5.	CO #5	\$123,730.50	\$7,500.00	\$0.00	\$7,500.00	92
Total		\$113,387.50	\$40,787.50	\$0.00	\$40,787.50	262

The Change Order is a result of:

While inspecting the roadway prior to the trench and shoulder pavement restoration, we observed some areas with pavement failure, and requested that these areas be repaired while the paving crew is out there, saving the cost of future mobilization to repair the imminent failure.

DISCOUNT ROCK & SAND, INC.

P.O. Box 504484 • Marathon, FL 33050
(305) 743-5680 Office • (305) 289-4200 Fax

Sombrero Stormwater System Improvements
Project: 20100.003

Date: 01/04/2022

FIELD CHANGE ORDER
CHANGE ORDER NO: 5

Additional Asphalt paving for Damaged areas in Sombrero Blvd

Total \$7,500.00

APPROVAL SIGNATURE _____ DATE: _____